

REMARKS

The Examiner has required an election in the present application between the following alleged species:

Fig(s). 1;

Fig(s). 4;

Fig(s). 10; and

Fig(s). 14.

For the purpose of examination of the present application, Applicants elect the alleged species of Fig. 1 with traverse.

Claim(s) 1, 2, 3, and 4 are supported by the elected figure.

The Examiner has failed to identify separate species according to the MPEP.

“Examiners must provide reasons and/or examples to support conclusions, but need not document cite documents to support the restriction requirement in most cases.” See MPEP §803.01, “Guidelines”, paragraph 1.

In the instant matter, the Examiner alleges that the Figs. 1, 4, 10 and 14 are separate species of invention. However, Fig. 4 illustrates the details of the clamps illustrated in Fig. 2, which is top view of the Fig. 1 embodiment. As can be seen by examining the relevant portions of Figs. 1, 2, 3, and 4, Fig. 4 describes further detail of the embodiment illustrated in Fig. 1. Thus, there is no species relationship between these two figures.

Fig. 10 describes additional detail of the masking cover 100 of Fig. 1. Thus, the subject matter of Figure 10 is not a different species from Fig. 1. As is seen from these examples, the Examiner has not properly met his burden of identifying reasons why the figures identified in

the Office Action are directed to different species. Further, there is ample evidence in the specification that these figures do not describe separate species but different aspects of a single device. Consequently it is respectfully submitted that the Election of Species requirement is improper and should be withdrawn. Consequently, Applicants request that all claims be examinable in a single patent application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter (Reg. No. 29,680) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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